

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 710/2017

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Muhammad Sadiq Ex-Constable Police Line, Lakki Marwat.
..... (Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police CTD, Khyber Pakhtunkhwa, Peshawar.
4. District Police Officer, Lakki Marwat.
5. Regional Police Officer, Bannu Range, District Bannu.
..... (Respondents)

Miss Uzma Syed,
Advocate

... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney,

... For respondents

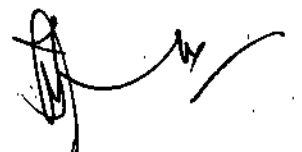
Date of Institution..... 06.07.2017

Date of Hearing..... 09.01.2023

Date of Decision..... 10.01.2023

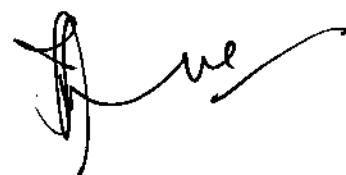
JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 20.10.2016 whereby major penalty of compulsory retirement had been imposed upon the appellant and against the appellate order dated 14.06.2017, whereby departmental appeal



of appellant had been rejected on no good grounds. It has been prayed that by accepting this appeal, the impugned orders dated 20.10.2016 and 14.06.2017 might be set aside and the respondents be directed to reinstate the appellant in service with all back benefits and any other remedy which this august tribunal deems fit might also be awarded in favour of the appellant.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was an employee of the respondent department and was serving as Head Constable. He served the respondent department for more than 24 years quite efficiently and up to the entire satisfaction of his superiors. While performing his duty as Head Constable CTD Lakki Marwat, a criminal case was registered vide FIR No. 438 dated 20.07.2016 u/s 15-AA/9CNSA at Police Station Serai Naurang in which the appellant was not directly charged but he was arrested by the police on 11.08.2016 and was put in confinement till 21.10.2016. Thereafter he was taken to Peshawar in the office of AIG, CTD and there too he was kept in confinement for sufficient days based on a statement of Mr. Nasib before the police. Lastly major penalty of compulsory retirement was imposed upon him vide order dated 20.10.2016 (communicated to the appellant on 10.11.2016) without conducting fact finding inquiry in the matter. Feeling aggrieved from the impugned order, the appellant preferred departmental appeal before respondent No. 1 on 30.11.2016 which was rejected on 14.06.2017; hence the instant service appeal.



3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

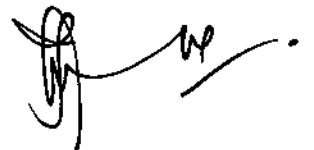
4. Learned counsel for the appellant after presenting the case in detail contended that the appellant was not directly charged in the FIR dated 20.07.2016 but the respondents malafidely involved him on the basis of baseless statement of one Naseeb. He further contended that no charge sheet and statement of allegations had been issued to the appellant nor show cause notice was served upon him which were mandatory before passing the impugned order. He further contended that no chance of personal hearing/defence had been afforded to him and the respondents acted in an arbitrary manner. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, contended that the appellant alongwith DSP Muhammad Subhan colluded with the notorious criminal gang of Naseebo who was involved in heinous offences including the murder of Police Officer and utilized the services of Zarpayon Jan alias Bajjan of District Karak, a notorious gambler and runner of gambling den, and planned the surrender of the members of that gang. The appellant also facilitated the said gang in fake recovery of weapons snatched from the Police Officers after killing them with sole aim and motive of weakening the



prosecution of criminal cases registered against that gang. They intended to surrender before Police, however, they colluded with the police officials, DSP CTD Muhammad Subhan and the present appellant. Later on certain persons of the said gang surrendered themselves to the local police on 04.08.2016 and during their interrogation they disclosed contact with Muhammad Sadiq, the present appellant. He further contended that after conducting preliminary inquiry, the appellant was issued charge sheet and statement of allegations and proper departmental inquiry was conducted. He was given a chance of personal hearing and cross examining the witnesses but he could not prove his innocence and had rightly been dismissed from service. Learned DDA requested that the appeal might be dismissed with cost.

6. From the arguments and record presented before us it transpires that the appellant, who was serving as Head Constable at CTD Lakki Marwat, was arrested and put behind bar on 11.08.2016 on the basis of FIR No. 438 dated 20.07.2016 u/s 15AA/9CNSA registered at P.S Naurang, despite the fact that he was not directly charged in that FIR. He was arrested on the allegations that he, alongwith DSP Muhammad Subhan, colluded with the notorious criminal gang of Naseebo who were involved in heinous offences including the murder of police officer and utilized the services of Zarpayon Jan alias Bajjan of District Karak, a notorious gambler and runner of gambling den, and planned the surrender of the members of the gang. It was further alleged that the appellant alongwith the DSP also facilitated fake



recovery of the weapons belonging to the gang with the sole aim and motive of weakening the prosecution of criminal cases registered against them. According to a copy of an order dated 20.10.2016 signed by the DIG H.Q an inquiry was conducted through a committee comprising of Mr. Sher Akbar Khan, RPO, D.I.Khan and Mian Naseeb Jan, DPO Karak and the allegations were established against the appellant and the DSP Muhammad Subhan. Prior to that the appellant had been put under suspension and later on, after the charges against him were proved, he was compulsory retired from service from the date of his suspension. Charge sheet signed by the DIG/HQrs for Inspector General of Police, Khyber Pakhtunkhwa, Peshawar is available in the case file, however statement of allegations is missing to ascertain the composition of Inquiry Committee. It has been noted here that the order of compulsory retirement of the appellant has been passed by the DIG, HQ declaring himself the competent authority. Departmental appeal of the appellant has been decided by the Additional IGP/Hqrs. Both the officers have passed their respective orders for the Inspector General of Police, Khyber Pakhtunkhwa. Now a point worth consideration here is that the Police Department Delegation of Powers Rules 1958 have clearly defined the authorities for appointment, awarding punishment, appellate authorities, transferring authorities and so on in the schedule appended with it. The appellant was Head Constable at CTD Lakki Marwat and as per the rules, the authority competent to award the punishment of compulsory retirement was his appointing authority which was the Assistant I.G, P.A.R./Superintendent of Police concerned. Appellate authority in this case is

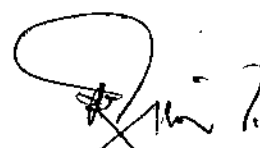


the Additional I.G. While going through the entire proceedings of the case, it was noted that in case of the appellant, order of compulsory retirement was passed by the DIG, HQ for I.G Police, Khyber Pakhtunkhwa and the appellate order was passed by the Additional IG, HQ for IG Police Khyber Pakhtunkhwa, which apparently means that both the orders were passed by the same authority i.e. the Inspector General of Police Khyber Pakhtunkhwa. On the order passed by the DIG HQ, he has declared himself the competent authority for the appellant, which in this case is not correct as the appellant was a Head Constable at CTD Lakki Marwat and his competent authority was the Superintendent of Police concerned. Hence the entire proceedings become void in the light of Police Department Delegation of Powers Rules 1958. Above all a judgment dated 22.06.2022 of the Judge Anti Terrorism Court Bannu Division was presented before the bench according to which the appellant alongwith Muhammad Subhan were discharged from the case FIR No. 438 dated 20.07.2016 u/s 9-CNSA/109/120-B/203 PPC/15AA of P.S Naurang District Lakki Marwat for want of evidence.

7. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 10th January, 2023.*


(FAJEEHA PAUL)
Member (E)


(ROZINA REHMAN)
Member (J)

SA 710/2017

10th Jan. 2022


Miss Uzma Syed, Advocate for appellant present. Mr. Asif

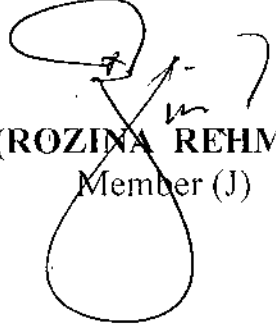
Masood Ali Shah, Deputy District Attorney for the respondents present.

Arguments heard and record perused.

2. Vide our detailed judgement containing 05 pages, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 10th January, 2023.*



(FAREEHA PAUL)
Member (E)


(ROZINA REHMAN)
Member (J)

21st Nov, 2022

Lawyers on general strike today.

To come up for arguments on 09.01.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman


09.01.2023

Appellant present thorough counsel.

Asif Masood Ali Shah learned Deputy District
Attorney for respondents present.

Arguments heard. To come up for order on
10.01.2023 before D.B.


Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

21

13.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 07.09.2022.

Noted
28-7-2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

29th July 2022

Learned counsel for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment for preparation of arguments. Adjourned. To come up for arguments on 24.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

24th Oct., 2022

Lawyers are on strike today.

To come up for arguments on 21.11.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

02.11.2021

Counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before the D.B.


Chairman

03.02.2022


The Tribunal is non-functional, therefore, the case is adjourned to 15.04.2022 before the D.B for the same.


Reader

15.04.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Wajid ASI for the respondents present.

Learned counsel for the appellant requested for adjournment to further prepare the brief. Last opportunity is granted. To come up for arguments before the D.B on 13.06.2022.


(Rozina Rehman)
Member (J)

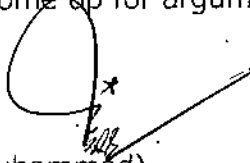

Chairman

26.01.2021

Uzma Syed Advocate present on behalf of appellant.

Asif Mehmood learned Deputy District Attorney for respondents present.

Former made a request for adjournment. Last chance is given. To come up for arguments on 13.04.2021 before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 29.07.2021 for the same as before.




READER

29.07.2021

Miss Uzma Syed, Advocate, for the appellant present. Mr. Gul Zad ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for the argument before the D.B on 29.11.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

27.07.2020


Due to COVID19, the case is adjourned to 11.09.2020 for the same as before.



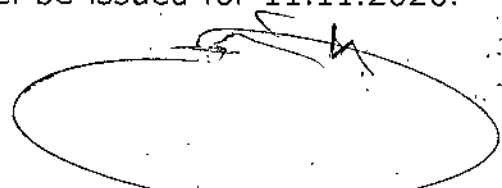
Reader

11.09.2020

Appellant has not forth come at the moment and call was made at 2:05 P.M. Mr. Kabirullah Khattak, Additional Advocate General for the respondent is present. Since the last two adjournments were made on the basis of COVID-19, process of issuing notices to appellant as well as his respective counsel be issued for 11.11.2020. File to come up for arguments before D.B.



(Attiq-ur-Rehman)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

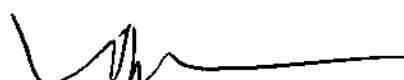
11.11.2020

Junior to counsel for appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Wajid SI for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 26.01.2021 for hearing before the D.B.



Chairman



(Atiq-ur-Rehman Wazir)
Member (E)

16.07.2019 Learned counsel for the appellant and Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Gul Zad ASI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.10.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

07.10.2019 Due to official tour of Hon'ble Members to Camp Court Swat, the instant matter is adjourned to 25.02.2020 for the same.



Reader

25.02.2020 Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Adjourn. To come up for arguments on 20.04.2020 before D.B.


Member


Member

20.04.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 27.07.2020 before D.B.


Reader

14.02.2019

Appellant in person and Addl. AG alongwith Muhammad Ismail, DSP (HQs) for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 02.05.2019 before the D.B.



Member



Chairman

02.05.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Gulzar Khan ASI present. Representative of the respondents submitted additional documents. Copy of the same given to the learned counsel for the appellant. Learned counsel for the appellant sought adjournment. Adjourn. To come up for arguments on 30.05.2019 before D.B.



Member



Member

30.05.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Gul Zad Khan, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 16.07.2019 before D.B.




Member




Member

Service Appeal No. 710/2017

19.09.2018 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Gulzar Khan, ASI and Mr. Javed Iqbal, Inspector; (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.10.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

26.10.2018 Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 14.12.2018 before D.B.


Reader

14.12.2018 Appellant in person and Mr. Ziaullah, DDA alongwith M/S Gulzar Khan, S.I and Karim, ASI for the respondents present.

Appellant requests for adjournment on account of illness of his learned counsel.

Adjourned to 14.02.2019 for arguments before the D.B.


Member


Chairman

22.01.2018


Counsel for the appellant present. Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up rejoinder, if any, arguments on 15.03.2018 before D.B.


Member


Chairman

15.03.2018

Clerk to counsel for the appellant present. Learned Assistant Advocate General on behalf of the respondents present. Clerk counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 15.05.2018 before D.B



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

15.05.2018


Appellant absent. Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 31.07.2018 before D.B.

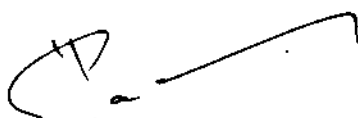

(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

31.07.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Wajid H.C and Mr. Imtiaz S.I present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.09.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

21/8/2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG alongwith Mr. Gulzar, ASI for the respondents present. The Hon'ble Member is on leave, therefore, case to come for reply on 28/9/2017 before SB.


Reader

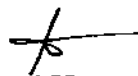
28.09.2017

Counsel for the appellant and Addl: AG alongwith Mr. Bakht Zamin, Inspector and Mr. Muhammad Farooq, Inspector for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 31.10.2017.


(Ahmad Hassan)
Member

31.10.2017

None for the appellant present. Addl:AG alongwith Mr. Gulzad, ASI and Mr. Javid Iqbal, Inspector for respondents present. Written reply not submitted. Last opportunity granted. To come up for written reply/comments on 28.11.2017 before S.B.


Ahmad Hassan
(Member)

28.11.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak Learned Additional AG alongwith Mr. Javid Iqbal Inspector for the respondents present. Written reply submitted. To come for ~~written~~ arguments/rejoinder on 22.01.2018 before D.B.


(MUHAMMAD HAMID MUGHAL)
MEMBER

11.07.2017

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Head Constable and during service he was charged on the allegations that the appellant alongwith DSP Muhammad Subhan Colluded with the notorious criminal gang of Nasibo involved in heinous offences including the murder of police officer and utilized the services of Zarpayo Jan alias Bajan of district Karak a notorious gambler and runner of a gambling Den and Planned the surrender of the member of the gang. It was further contended that neither any charge sheet was served upon the appellant nor any show-cause notice was served upon him nor regular inquiry was conducted but major penalty was imposed by the competent authority and order of compulsory retirement of the appellant was passed by the competent authority. It was further contended that since the major penalty was imposed upon the appellant, therefore, charge sheet, show-cause notice and statement of allegations was necessary and without serving charge sheet and show-cause notice the impugned order is illegal and liable to be set-aside.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee, thereafter notice be issued to the respondents for written reply/comments for 21.08.2017 before S.B.



Appellant Deposited
Security & Process Fee

MA
(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 710/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/07/2017	<p>The appeal of Mr. Muhammad Sadiq resubmitted today by Uzma Syed Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 7/7/17</p>
2-	10-7-17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11-7-17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Sadiq Ex-Constable Police Line Lakki Marwat received today i.e. on 06.07.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ~~not returned~~
- ① Annexure-D of the appeal is illegible which may be replaced by legible/better one.
 - ② Appeal may be page marked according to the index.
 - ③ In the heading of the appeal the name of the appellant is written as Muhammad Sadiq while the departmental appeal has shown the name of the appellant as Sadiq Ahmad which may be rectified.

No. 1665/S.T,

Dt. 7/7/2017

~~Uzma Syed~~
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

objections removed

Resubmitted

Uzma

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Re S.A. 710 /2017

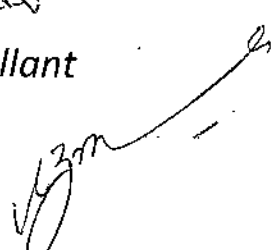
Mr. Muhammad Sadiq **VERSUS** Inspector General police & others

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2.	Copy of FIR	A	6
3.	Copy of Impugned order vide order dated 20-10-2016	B	7
4.	Copy of Departmental Order. vide order vide dated 14-06-2017	C & D	8
5.	Wakalat Nama		9

Muhammad Sadiq
Appellant

Through


UZMA SYED

Advocate, High Court
Peshawar.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A 710 /2017

Diary No. 785
Dated 06-7-2017

Mr. Muhammad Sadiq Ex-Constable Police Line Laki Marwat

----- (Appellant)

VERSUS

1. Inspector General of Police KPK.
2. Deputy Inspector General of Police CTD, KPK Peshawar.
3. Additional Inspector General of Police CTD, KPK Peshawar.
4. District Police Officer Laki Marwat.
5. Regional Police Officer Bannu Range, District Bannu.

----- (Respondents).

SERVICE APPEAL U/S 4 OF KPK, SERVICE
TRIBUNAL ACT 1974 AGAINST IMPUGNED ORDER
DATED 20-10-2016 WHEREBY MAJOR PENALTY OF
COMPULSORY RETIREMENT HAS BEEN IMPOSED
UPON THE APPELLANT AND AGAINST THE
APPELLATE ORDER DATED 14-06-2017, WHEREBY
DEPARTMENTAL APPEAL OF APPELLANT HAS
BEEN REJECTED ON NO GOOD GROUNDS.

Prayers:

That on acceptance of this appeal, the impugned orders dated 20-10-2016 and 14-06-2017 may very kindly be set aside and the respondents may be directed to re-instate the

Filed to-day
Registrar
6/7/17

Re-submitted to-day
and filed.

Registrar
7/7/17

appellant on his service with all back benefits. Any other remedy which this August Tribunal deems fits that may also be awarded in favour of appellant.

Respectfully Sheweth;

1. That appellant was the employee of the respondent department and was serving as Head Constable.
2. That appellant was served for respondent department for more than 24 years quite efficiently and up to entire satisfaction of his superior.
3. That appellant while performing his duty as Head Constable at CTD Laki Marwat. That was registered a criminal case vide FIR No.438 dated 20-07-2016 u/s 15AA/9CNSA at PS Naurang in which the appellant has not been directly charged by the police official and the appellant was no concerned with criminal case. (Copy of FIR is Annexure-"A")
4. That appellant was arrested by the police official on 11-08-2016 and put him in illegal confinement till 21-10-2016 and thereafter the

appellant was taken to Peshawar in office of ATG CTD, the too the appellant was kept on confinement for sufficient having days.

5. That appellant was taken into illegal confinement due to the statement of Mr.Nasib who was stated before the police officials against the appellant the appellant.
6. That lastly major penalty of compulsory retirement was imposed on the appellant vide order dated 20-10-2016 (communicated to the appellant on 10-11-2016) without entering into controversy and without conducting fact finding inquiry in the matter. (Copy of impugned order is Annexure-"B").
7. That feeling aggrieved from the impugned order dated 20-10-2016 communicated to the appellant on 10-11-2016 preferred departmental appeal before the respondent No.1 on 30-11-2016 but the same has been rejected vide order dated 14-06-2017 on no good grounds. (Copy of the departmental order is attached as Annexure-"C & D").
8. That appellant having no other remedy but to file the instant service appeal before this august Service Tribunal on the following grounds amongst the otherss.

Grounds:

- A. That the impugned order dated 20-10-2016 and 14-06-2016 are against the law facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B. That Appellant has not been treated in accordance with law and rules by the respondents department on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That appellant has not been directly charged in the above mention FIR while the respondents mala-fidely involved the appellant in the above mention case on the basis of baseless statement of Mr.Naseeb.
- D. That no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order dated 20-10-2016.
- E. That no show cause notice has been served on the appellant before issuing the impugned order dated 20-10-2016.

- F. That no show cause notice has been served on the appellant before issuing the impugned order dated 20-10-2016.
- G. That no chance of personal hearing defence has been given to the appellant before issuing the impugned order dated 20-10-2016, and as such the appellant has been condemned unheard.
- H. That the respondent acted in arbitrary and malafidely manner by issuing the impugned order dated 20-10-2016.
- I. That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Muhammad Sadiq
Appellant

Through

UZMA SYED
Advocate High Court
Peshawar.

مقصد کے خلاف اسٹیٹوٹوں میں چار جزا ہونے کی وجہ سے
 اس کی MAC جیکب 3 عدویہ پر ایسی M.A. پارسلز کے ذریعہ
 بند کے چارجس بعد برآمدہ ملائقوں اور علیحدہ علیحدہ پارسلوں میں بند کرنے کے لئے
 خلاف کو ماسٹرم ہنرمان کے خلاف فراہم کیا گیا ہے۔
 حاکم کے مقدمہ دستاویز کے لئے تیسری ایسی فراہم کیا گیا ہے۔
 دستخط آفیسری مختار المدہ السیر / LM / CTD / CO/OPR / 20-7-16
 جس کی آمدہ فراہم صرف ہر طرف کے خلاف فراہم کر کے
 فرضاً آفیسری مختار المدہ السیر کو فراہم کیا جائے گا۔
 20-7-2016
 H.P.N.C.

لکھنؤ
 20-7-2016

روشانی سے بالقابل نام پر

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مدرسہ دیوبند کے مہاجرین کے بارے میں نامعلوم طور پر بالاجا کے مہاجرین کے بارے میں
مدرسہ دیوبند کے مہاجرین کے بارے میں نامعلوم طور پر بالاجا کے مہاجرین کے بارے میں
مدرسہ دیوبند کے مہاجرین کے بارے میں نامعلوم طور پر بالاجا کے مہاجرین کے بارے میں

at day

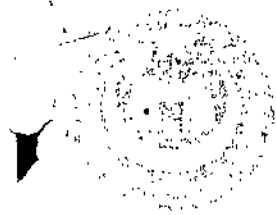
Asst-CTD-BA

6-4-2016

خط

مہر

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ روشنائی سے بالفاظ نام پر
ایک ملزم یا مشتعلی الترتیب واسطے باشندگان علاقہ غیر یا وسطیہ یا مہاجرین افغانستان جہاں سزوں ہوں، لکھنا چاہئے۔



Annex B

7

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/6675-91/16, Dated Peshawar the 20/10/2016.

ORDER

This order is passed to dispose of departmental proceedings initiated against Head Constable Muhammad Sadiq (under suspension) while posted as DEU CTD PS Naurang.

Head Constable Muhammad Sadiq presently under suspension and closed to CTD for charges sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014).

Annex A

According to preliminary enquiry conducted by RPO/Bannu you alongwith DSP Muhammad Subhan colluded with the notorious Criminal Gang of Nasecho involved in heinous offences including the murder of Police Officer and utilized the services of Zerpayon Jan alias Bajjan of Karak District a notorious gambler and runner of gambling den and planned the surrender of the members of the gang. You and DSP Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.

You are also reportedly mixed up with criminals of the area for fulfilling your ulterior motives.

Being a member of disciplinary force such act on your part is gross misconduct and are detrimental to discipline and moral of the force.

For conducting probe into the allegations leveled against Head Constable Muhammad Sadiq an Enquiry Committee, consisting of Mr. Sher Akbar Khan, RPO/DKChag and Mr. Farooq Jan, RPO/Karak was constituted. The Enquiry Committee, after examining the charges levelled against Head Constable Muhammad Sadiq, the other concerned police officers of the area Bannu and Karak and evaluating the documents on record, has unanimsously come to the conclusion that "Head Constable Muhammad Sadiq has been found guilty of gross misconduct and abuse of authority thereby bringing a very bad name for Khyber Pakhtunkhwa police which has rendered immortal sacrifices in war against terror. The charges levelled against Head Constable have been established without any doubt. The censure of Head Constable in Khyber Pakhtunkhwa police is bound to shatter the morale of the police force".

In the light of finding of the Enquiry Committee, Head Constable Muhammad Sadiq, the man DEU CTD PS Naurang is found guilty of the charges leveled against him. As a disciplinary officer do not deserve any leniency but keeping in view his length of service, a lenient sentence is taken and I, Muhammad Alam Shinwari Deputy Inspector General of Police, HQs: Khyber Pakhtunkhwa being Competent Authority, hereby imposes punishment of compulsory retirement from the date of suspension.

Order announced

Attested
S. M. S.

[Signature]

Office Superintendent
Office of The IGP Khyber Pakhtunkhwa Pesh.

Enclst: No. & date even.

M. Sadiq
10-11-2016
Received on

(MUHAMMAD ALAM SHINWARD)
DIG/NQrs.

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded to the:

- 1. All Additional Inspectors General of Police Khyber Pakhtunkhwa.
- 2. Deputy Inspector General of Police CTD, Khyber Pakhtunkhwa, Peshawar.
- 3. Regional Police Officer, Bannu.
- 4. The DPO Headquarters, Khyber Pakhtunkhwa, Peshawar.

Annex C (8)

Before the honorable Inspector General of Police KPK Peshawar

Subject: Representation/ Appeal against the order of learned DIG/Headquarters CPO Peshawar, whereby he imposed to punishment of compulsory retirement from Service vides his order no. S/6675-91/16 dt 20-10-2016

Respected Sir,

Facts:

Facts of the case are that the Petitioner was charged with allegations, to the effect that the petitioner along with DSP Muhammad Subhan Colluded with the notorious Criminal gang of Nasibo involved in heinous offences including the murder of Police officer and utilized the services of Zarpayo Jan alias Bajan of Dsitt: Karak a notorious gambler and runner of a gambling Den and Planned the surrender of the member of the gang. Mohammad Sadiq HC the Petitioner and Mohammad Subhan also facilitated fake recovery of the weapon belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.

Muhammad Sadiq HC, the Petitioner is also reported mixed up with criminals of the area for full filling your ulterior motives. Being a member of disciplinary force such act on Muhammad Sadiq part is gross misconduct and are detrimental to discipline and moral of the force.

For the purpose of scrutinizing the conduct of the petitioner with reference to the above allegations, an inquiry officer/Committee consisting of the following officers of KPK Police was constituted as per, Police rules 1975 amended in 2014 Para 6 (b) Sub Para v.

1. Mr. Sher Akbar Khan RPO/DI Khan
2. Mian Naseeb jan. DPO/Karak

The above committee conducted inquiry into matter and submitted their report to the DIG Headquarter CPO Peshawar. Consequently the DIG Headquarter imposed the punishment of compulsory retirement from service upon the petitioner (copy of order Annexed as A) and hence the present representation / appeal.

Grounds:

- (1) That the order of learned DIG/Hqrs CPO Peshawar KPK is against law, justice and facts on record.
- (2) That no Proper departmental inquiry in to the matter was conducted as per rules of inquiry envisaged in Police rules 1975.
- (3) That no witness who so ever was examined during the enquiry proceeding nor the petitioner was ever associated in the proceeding, which itself is sheer violation of the rules on the subject.
- (4) That the inquiry committee did not bote to examin and unearths the real facts, which might exonerate the petitioner from all the liabilities.
- (5) That the petitioner had obeyed and complied with the order of his immediate officer (DSP Mohammad Subhan) and that non-compliance of his order would have amounted to refusal of the seniors orders.

Attested
[Signature]

- (6) That During the entire enquiry proceeding, the petitioner was never asked about the actual facts giving birth to the present episode.
- (7) That after few days of the occurrence, the petitioner sustained sever injuries on his person during encounter with the Criminals/ terrorist where in one die hard criminal/ terrorist namely Shafeeq, who was Head of his gang was put to death wide case FIR No.39 dt; 26-07-2016 U/S 324/353/427/34 PPC/15 AA/7ATA PS C T D Bannu region. Shafeeq was involved and wanted in the following criminal Cassese. (Copies of FIR's Annexed as Annexure B, C, D and E)
1. Case FIR 19 dt: 6-4-2016 U/S 302 /404 PPC/7 ATA PS CTD Bannu region (in this constable Khursheed Afzal Shah No.6937 FRP Bannu was martyred.
 2. Case FIR No.20 dt: 11-4-2016 U/S 302/120 B/34 PPC/7 ATA PS CTD Bannu regions. In this case constable Mashal Khan No.682 special Branch Lakki and Constable Tariq Usman No.198 of DSB Lakki Marwat were martyred.
 3. Case FIR No.28 dt:18-5-2016 U/S 302/34 PPC /7 ATA PS CTD Bannu region. In this case one Kiramatullah Constable No.1012 of CTD Lakki Marwat was martyred.
- (8) That no final show cause notice was served upon the petitioner, nor any copy of the finding report of the enquiry proceedings was delivered to the petitioner which inter-alia is itself sheer violation of the inquiry rules.
- (9) That no chance of personal hearing was afforded to the petitioner to explain the actual and real facts, before the inquiry committee, which is not only the violation of rules but also amounts to infringements of basic human rights.

Prayer:

In view of the above narrated scenario it is most humbly submitted that I have put in about 25 years unblemished and spotless service in police department and have always uploaded the name of Police in combating the criminals/ terrorists. I am the only source of income to support my huge family consisting of 6 members including under age children. It is therefore requested that the order of punishment of compulsory retirement from service May very graciously be set aside. It is further requested that I may kindly be given a chance of personal hearing to explain my position.

Dated 30-11-2016,

Your most obedient servant

Muhammad Sadiq
Muhammad Sadiq S/O Abul Alim

Village Mughal Manji Walla Distt Lakki marwat

Cell No: 0301-8078172

Received
[Signature]
01/12/16

Annex

9

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 3481 /17, Dated Peshawar the 14/06/2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by E-Head Constable Muhammad Sadiq. The appellant was awarded penalty of compulsory retirement from service by DIG/HQrs: Khyber Pakhtunkhwa, Peshawar vide order No. S/6675-91/16, dated 20/10/2016 on the allegation that according to preliminary enquiry conducted by RPO/Banna the appellant alongwith DSP Muhammad Subhan colluded with the notorious criminals gang of Naseebo involved in heinous offences including the murder of Police Officer and utilized the services of Zarpayon Jan alias Bajjan of Karak District a notorious gambler and runner of gambling den and planned the surrender of the members of the gang. He and DSP Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above. He was reportedly mixed up with criminals of the area.

Meeting of the Appellate Board was held on 29.05.2017, wherein the petitioner was present and heard.

Perusal of record reveals that serious allegations of collusion with the notorious criminals gang of Naseebo involved in heinous offences including the murder of Police Officer have been levelled against appellant. He and other planned and showed recovery of the weapons snatched from Police Officers from vacant room with sole aim and motive of weakening the prosecution of criminal cases registered against the criminal guard.

During hearing petitioner failed to advance any plausible explanation in rebuttal of the charges.

Therefore, the Board decided that his petition is hereby rejected.

This order is issued with approval by the Competent Authority.

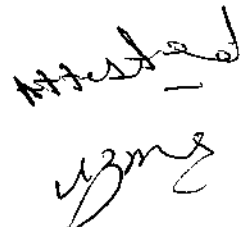

(MUHAMMAD ASHRAF NOOR)

Add: IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 3482-89/17.

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PA to Add: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/Training, Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-IV, CPO, Peshawar



WAKALAT NAMA

IN THE COURT OF Service Tribunal, Peshawar

Muhammad Sadia

Ex-constable Appellant(s)/Petitioner(s)

VERSUS

Police CTD, KPK

Peshawar Respondent(s)

I/We Muhammad Sadia do hereby appoint Miss. Uzma Syed, Advocate High Court, Peshawar in the above mentioned case, to do all or any of the following acts, deeds and things.

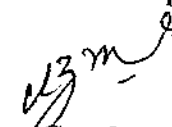
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Uzma Syed,
Advocate,
High Court, Peshawar.
9-B. Haroon Mansion
Off: Tel: 091-2213445

Muhammad Sadia
Signature of Executants

In the Court of Aurangzeb Khattak, Judge, Anti-Terrorism Court,
Bannu Division.

Spl: Case No. 122 of 2022

The State -----Vs-----Siddique Ahmad & another.

ORDER-02
22/06/2022

Mr. Nawab Zarin, the learned senior Public Prosecutor for the State present. The accused (1) Siddique Ahmad & (2) Muhammad Subhan on bail present.

The statement learned senior Public Prosecutor of this court recorded, according to which no evidence has been collected against the present accused regarding their involvement in the instant case and as per majority decision of the prosecution scrutiny committee he requested for discharge of the accused.

Therefore, in view of the statement of learned senior PP for the State and proforma-B Ex:P-1, the accused (1) Siddique Ahmad s/o Abdul Aleem r/o Serai Gambila, District Lakki Marwat & (2) Muhammad Subhan s/o Jalal Shah r/o Mitawala, District Karak are hereby **discharged** from the case FIR No.438 dated 20/07/2016 U/Ss 9-A CNSA/109/120-B/203 PPC/15 AA of the P.S Naurang District Lakki Marwat for want of evidence. File be consigned to Record Room U/S 25(2) of ATA-1997

Announced.

Dated 22/06/2022



(Aurangzeb Khattak)
 Judge, Anti-Terrorism Court,
 Bannu Division.

Judge Anti-Terrorism Court
 Bannu Division Bannu.

ATTESTED

Examiner Anti-Terrorism Court
 Bannu

22-6-22

Before the K.P.K Service Tribunal Peshawar
Service appeal No. 710/2017



Mr. Sadeeq vs Police.

Subject: A application for early hearing

Respectfully Sheweth:

That above noted service appeal is pending before this honours tribunal which is fixed for argument on 07/07/2022

That in the above mention service appeal the trial of appellant is completed in the F-I-R on the base of which appellant was compulsory retired

Therefore, it is requested that the next date is so long, it is humbly requested that date may be short as possible.

Council for petitioner
Uzma Syed

5/7/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 652 -p/20 22

In case No. 710 -p/20 17

Mohammad Sadiq vs Police

Presented by Uzma Syed Adv. on behalf of Appellant Entered in the relevant register.

Put up alongwith main case

Last date fixed	<u>13-06-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Lawyers Strike</u>
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	<u>1) 29/7/2022, ✓</u> <u>2) 30/8/2022</u>

[Signature]
Assistant Registrar
06/07/2022

REGISTRAR


Allowed
29/7/22
[Signature]
13/7/22

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	710/17		
Case Title	Mohammad Sadiq		
Date of Institution	06-07-2017		
Bench	SB	DB	<input checked="" type="checkbox"/>
Case Status	Fresh	Pending	<input checked="" type="checkbox"/>
Stage	Notice	Reply	Argument <input checked="" type="checkbox"/>
Urgency to clearly stated.	Trail is completed		
Nature of the relief sought.	Reinstatement with back Benefit		
Next date of hearing	07-09-2022		
Alleged Target Date			
Counsel for	Petitioner <input checked="" type="checkbox"/>	Respondent <input type="checkbox"/>	In person <input type="checkbox"/>


Signature of counsel/party

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 710/2017.

Muhammad Sadiq.....(Appellant)

Versus

1. Inspector General of Police, Central Police Office, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD KPK Peshawar.
3. Additional Inspector General of Police CTD, KP Peshawar.
4. District Police Officer Lakki Marwat.
5. Regional Police Officer Bannu Region, District Bannu.

.....(Respondents)

PARAWISE COMMENTS BY RESPONDENTS :-

Preliminary Objections

1. That the appeal is not maintainable in its present form.
2. That the appellant has got no cause of action.
3. That the appellant is estopped by his own conduct to file the present appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands and has concealed material facts.
5. That the appeal is bad for misjoinder and non-joinder of necessary parties.
6. That the appeal is barred by law.
7. That the appeal is badly time barred.

Facts

Respectfully Sheweth

1. Correct hence no comments.
2. Incorrect the appellant was compulsory retired from service due to the serious charges leveled against him.
3. Incorrect, the appellant along with DSP Muhammad Subhan (Compulsory retired) was colluded with the notorious criminal gang of Naseebo involved in heinous offences including the murder of Police Officer and utilized the

services of Zarpayon Jan alias Bajjan of District Karak a notorious gambler and runner of gambling den and planned the surrender of the members of the above mentioned gang. The appellant also facilitated the above mentioned gang in fake recovery of weapons snatched from the Police Officers after killing them with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above. It is pertinent to mention that this notorious gang intended to surrender before Police. However, they colluded with the Police officials DSP CTD Muhammad Subhan and HC CTD Muhammad Sadiq and staged the drama effecting of this fabricated recovery of weapons from the abandoned building before surrendering. This was done with the purpose that this most heinous case against them in which they had snatched Police officials weapons after killing and injuring Police Officials is weakened as the weapons were shown to be recovered from abandoned places before the arrest of Nasebo gang and accordingly FIR No. 438 dated 20.07.2016 u/s 15AA-9A (CNSA) PS Naurang District Lakki Marwat was registered.

4. Incorrect. soon after the registration of FIR No. 438/2016 PS Naurang District Lakki Marwat the following members of the Nasebo gang surrendered to local Police District Lakki Marwat in a preplanned and staged manner on 4.08.2016.

- i. Nasebo Khan s/o Naikam Khan r/o Londiwa District Lakki Marwat.
- ii. Qismat Khan s/o Naikam Khan r/o Londiwa District Lakki Marwat.
- iii. Naimat Khan s/o Naikam Khan r/o Londiwa District Lakki Marwat.
- iv. Muhammad Imran s/o Naikam Khan r/o Londiwa District Lakki Marwat.

They were arrested in case FIR No. 96 dated 27.06.2010 u/s 302-324-353-404-427-148-149PPC PS Dadiwela District Lakki Marwat in which one constable Shehzada No.377 was martyred and Driver Constable Naseeb No.20 was grievously injured by the firing of above mentioned gang.

During their interrogation they admitted their involvement in the murder and injuring of the above-mentioned Police Officials in which they also snatched their official weapons.

During course of investigation they disclosed that they contacted Sadiq Ahmad HC CTD now the appellant and met in their village Londiwa and discussed with him the issue of getting rid of the snatched official weapons. He after discussing with his DSP CTD Muhammad Subhan received the above

mentioned three Kalashnikovs along with magazines and some rounds from us. Therefore, the appellant was arrested

5. Detail reply to this para has already been explained in previous paras.

6. Incorrect, after preliminary enquiry ex HC Muhammad Sadiq now the appellant was issued charge sheet with statement of allegations and proper departmental enquiry was carried out. All codal formalities were adopted. He was given a chance of personal hearing and cross examining the Police Officials. After detail enquiry Ex HC Muhammad Sadiq now the appellant was awarded major penalty.

7. Incorrect, his departmental appeal was examined by Appellate board and rejected because he had no plausible explanation in rebuttal of the charges leveled against him.

8. The appellant has got no cause of action to file instant appeal.

Grounds

A. Incorrect. Both the orders are legal and as per the law facts, norms of natural justice and needs to be stand as it is.

B. Incorrect the appellant was treated in accordance with law and rules two enquires i.e Preliminary and departmental were carried out against Ex HC Muhammad Sadiq now the appellant and after thorough probe into the allegations leveled against him in charge sheet were proved. He was given the chance of personal hearing.

C. Incorrect. Detail reply to this para has already been explained in facts of previous paras.

D. Incorrect. Show cause notice and charge sheet were issued to the appellant. All the codal formalities of enquiry were adopted before issuing the compulsory retirement order (Copies enclosed).

E. Incorrect. Show cause notice was issued to him.

F. Incorrect. This para is repeated.

G. Incorrect. Ex HC Muhammad Sadiq now the appellant was given full chance to defend himself. He was personally heard and was provided a chance of cross examining the other officials.

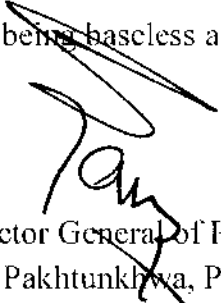
H. Incorrect. Serious allegations were leveled against him and proper enquiries i.e Preliminary and departmental enquiries were carried out against him and

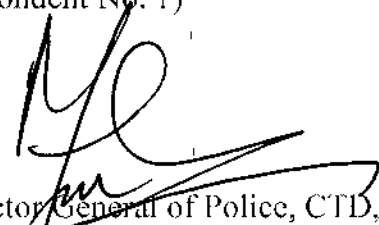
charges mentioned in charge sheet were proved against him (Copies of charge sheet and enquires report are enclosed).


I. That the respondents also seek permission to advances further grounds and proofs at the time of hearing.


Prayer

It is therefore prayed that the appeal being baseless and untenable may be dismissed with Special costs.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 1)


Deputy Inspector General of Police, CTB,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No.2& 3)


District Police Officer, Lakki Marwat
Khyber Pakhtunkhwa,
(Respondent No.4)


Regional Police Officer, Bannu Range,
Khyber Pakhtunkhwa,
(Respondent No.5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 710/2017.

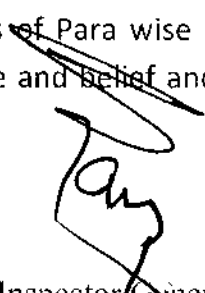
Muhammad Sadiq.....(Appellant)

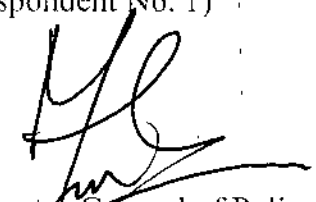
Versus


1. Inspector General of Police, Central Police Office, Khyber Pakhtunkhwa, Peshawar.
 2. Deputy Inspector General of Police, CTD KPK Peshawar.
 3. Additional Inspector General of Police CTD, KP Peshawar.
 4. District Police Officer Lakki Marwat.
 5. Regional Police Officer Bannu Region, District Bannu.
-(Respondents)


AFFIDAVIT

We the deponents in the above titled service appeal, do here by solemnly affirm and declare on oath that the contents of Para wise comments/reply are correct and true to the best of our knowledge and belief and nothing have been kept concealed from this honorable tribunal.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 1)


Deputy Inspector General of Police, CTD,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No.2& 3)


District Police Officer, Lakki Marwat
Khyber Pakhtunkhwa,
(Respondent No.4)


Regional Police Officer, Bannu Range,
Khyber Pakhtunkhwa,
(Respondent No.5)

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Head Constable Muhammad Sadiq. The appellant was awarded penalty of compulsory retirement from service by DIG/HQrs: Khyber Pakhtunkhwa, Peshawar vide order No. S/6675-91/16, dated 20.02.2016 on the allegation that according to preliminary enquiry conducted by RPO/Banna the appellant alongwith DSP Muhammad Subhan colluded with the notorious criminals gang of Naseebo involved in felonious offences including the murder of Police Officer and utilized the services of Zarpayon Jan alias Bagan of Karak District a notorious gambler and member of gambling den and planned the surrender of the members of the gang. He and DSP Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above. He was reportedly mixed up with criminals of the area.

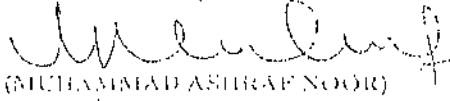
Meeting of the Appellate Board was held on 29.05.2017, wherein the petition was present and heard.

Perusal of record reveals that serious allegations of collusion with the notorious criminals gang of Naseebo involved in heinous offences including the murder of Police Officer have been levelled against appellant. He and other planned and showed recovery of the weapons snatched from Police Officers from vacant room with sole aim and motive of weakening the prosecution of criminal cases registered against the criminal gang.

During hearing petitioner failed to advance any plausible explanation in rebuttal of the charges.

Therefore, the Board decided that his petition is hereby rejected.

This order is issued with approval by the Competent Authority.


(MUHAMMAD ASIRAF NOOR)
Addl: IGP/HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, CTO, Khyber Pakhtunkhwa, Peshawar.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/Training, Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-13, CPO, Peshawar.

DI/CTD.
14/6/17

No. S/ 3482-89/17.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

5872
08-09-16

No. S/ 604 /16. Dated Peshawar the 07/09/2016.

ORDER 961/09

Head Constable Muhammad Sadig presently posted as DEO CTD Lakki Police Station Naurang is placed under suspension and closed CTD HQs, on charges of being involved supporting criminals.

(MUSLIMAH ALAM SULTWARI)
DIRECTOR
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 6042-97/16.

Copy of above is forwarded for information and necessary action, to the

- ✓ 1. Addl: IGP/Special Branch, Khyber Pakhtunkhwa, Peshawar
- ✓ 2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
- ✓ 3. Dy: Inspector General of Police, Barau Region, Bannu.
- ✓ 4. District Police Officer, Lakki Marwal.
- 5. Supdt: "B-I & E-IV" Branches, CPO.
- 6. U.O.P. File.

SSP/PS / SPICTD Bannu

SPHQ

EC/OASi/BRC

S

Addl: IGP/CTD

BRC

OFFICE OF THE,
ADDL: INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 9511 /EC/GTD dated Peshawar the 23 /09/2016

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: CHARGE SHEET / STATEMENT OF ALLEGATIONS

Memo:

Kindly refer to your office Memo: No S/6231-32/16 dated 16.09.2016
on the subject cited above.

The Charge sheet along with statement of allegations issued to H
Constable Saddique of this Unit has been delivered upon him. Duplicate copy of
same duly signed by the defaulter official is attached herewith as a token of rec
please.

Additional Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

No 9512 /EC/CTD

Dated Peshawar the 23 /09/2016.

Copy of above is forwarded to SRC, CTD HQs; Peshawar, please

SHOW CAUSE NOTICE

(Under Rule 5 (3) Khyber Pakhtunkhwa Police Rules, 1975)

That based on the preliminary enquiry conducted by RPO/Bannu, you Muhammad Sadig (under suspension) while posted as DJU CTD PS Naurang have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct and negligence in duty enumerated below:-

- i. According to preliminary enquiry conducted by RPO/Bannu you along with DSP/Muhammad Subhan colluded with the notorious Criminal Gang of Naseeb involved in heinous offences including the murder of Police Officer and utilized the services of Zarpayon Jan alias Bajjan of Karak District a notorious gambler and runner of gambling den and planned the surrender of the members of the gang. You and DSP/Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.
- ii. You are also reportedly mixed up with criminals of the area for fulfilling your ulterior motives;
- iii. Being a member of disciplinary force such act on your part is gross misconduct and are detrimental to discipline and moral of the force.

That by reason of above, as sufficient material is placed before the competent authority; therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.

That the misconduct on your part is prejudicial to good order of discipline in the Police force.

That your retention in the police force will amount to encourage in-efficient and unbecoming of good Police officers;

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) for the misconduct referred to above.

You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

You are further directed to inform the undersigned that you wish to be heard in person or not. Grounds of action are also enclosed with this notice.

(MUIHAMMAD ALAM SHINWARD)

DIG/NOB

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Received by HC Sadique No 961

Dated: 15/09/2016.

ENQUIRY REPORT

The instant inquiry was initiated by the undersigned when information from a credible source was received on 9th August 2016, pertaining to collusion between Police Officers and notorious Nasebo criminal gang culminating in case FIR No.438 dated 20.07.2016 u/s 15AA/9CNSA PS Naurang, District Lakki Marwat. The facts related to the present enquiry are that, as per contents of the above FIR, information was conveyed to DSP CTD, Lakki Marwat, Muhammad Subhan regarding presence of some terrorists equipped with arms & ammunition. HC Waris Khan Reader of SP/CTD also communicated with DSP/Naurang Circle and informed about the presence of militants near Manjewala Chowk, Lakki Marwat. On this information Muhammad Subhan, DSP/CTD, Lakki Marwat alongwith his contingent proceeded to the area situated near Kurram Bridge Irrigation area. Reaching to the spot, the CTD Staff under DSP CTD, Muhammad Subhan also informed the District Police to respond to the area. As per the contents of the FIR, the unknown accused on seeing the approaching Police party escaped in the bushy area. The CTD Staff resorted to firing to ascertain the presence of unknown accused. The CTD Staff, Lakki Marwat have fired 119 rounds of 7.62 bore and 5 rounds of 9MM by DSP/CTD on the spot (DD No.7 dated 20.07.2016 of CTD Lakki Marwat is attached). They also carried out search operation of the surrounding areas. The abandoned place under reference whose owner is Abdul Hamid s/o Haji Raza Khan r/o Zafar Mama Khel was also searched. No body was found there. However, a bag containing 03 SMGs alongwith magazines with ammunition and 360 GMS chars were recovered from one of the rooms. Additional SHO PS Naurang, SI Asmat Ullah alongwith Police Officers of PS Naurang also reached to the spot in the meanwhile. A murasala to this effect was sent to PS Naurang by Inspector CTD, Lakki where the subject case was registered.

As mentioned above, on receipt of information regarding concoction and fabrication of the above facts, the undersigned initiated preliminary enquiry on 10.08.2016 to find out the real facts. In this context, the following Police Officials were summoned to the RPO office Bannu and were thoroughly examined and their deposition recorded.

- I. Muhammad Subhan DSP/CTD, Lakki Marwat.
- II. Murad Ali Khan DSP/Naurang Circle, Lakki Marwat.
- III. Inspector Mukhtiar Ahmad CTD/Lakki Marwat.
- IV. SI Muhammad Javed, SHO PS Naurang, Lakki Marwat.
- V. SI Asmat Ullah, ASHO PS Naurang, Lakki Marwat.
- VI. HC Muhammad Sadiq DFIU/CTD PS Naurang, Lakki Marwat.
- VII. HC Muhammad Nawaz Muharrar CTD/Lakki Marwat.
- VIII. HC Waris Khan No.10/CTD Reader SP/CTD Bannu.
- IX. HC Abdul Akbar No.344/CTD Lakki Marwat.
- X. Driver/Constable Imran No.783 of PS Naurang, Lakki Marwat.
- XI. Driver/Constable Muhammad Sijjad Driver with DSP/CTD Lakki.
- XII. Constable Wahid Ullah No.1070 CTD/Lakki Marwat.
- XIII. Constable Mir Aslam Khan No.1076 CTD/Lakki Marwat.
- XIV. Constable Irfan Ullah No.964 CTD/Lakki Marwat.
- XV. Constable Meena Bat Khan No.640/CTD Lakki Marwat.

A thorough probe into the matter was conducted and it has transpired that Muhammad Subhan DSP/CTD Lakki Marwat and HC Muhammad Sadiq DFU CTD PS Naurang had connived with the Naseebo gang in effecting this recovery of weapons. It is worth mentioning that the three (03) SMGs recovered by the CTD Staff in the instant case were in fact official weapons of Lakki Police which were snatched by Naseebo gang after they had martyred and injured Police Officials, Constable Shehzad No.377/DFC and Constable Naseeb Khan respectively in 2010. A case vide FIR No.96 dated 27.06.2010 u/s 302/324/353/404/427/148/149 PPC, PS Dadiwala District Lakki Marwat was then registered against the following accused:-

- I. Naseeb S/o Nekam Khan R/o Landewa.
- II. Naimat Ulah S/o Nekam Khan R/o Landewa.
- III. Imran S/o Nekam Khan R/o Landewa.
- IV. Qaisar Khan S/o Nekam Khan R/o Landewa.
- V. Yousaf S/o unknown R/o Taja Zai.

The Naseebo gang since then has remained absconded and have been involved and charged in the following cases:-

- I. FIR No.96 dated 27.06.2010 u/s 302/324/353/148/149 PPC PS Dadiwala.
- II. FIR No.72 dated 06.07.2005 u/s 13AO PS Dadiwala.
- III. FIR No.113 dated 24.10.2004 u/s 13AO PS Dadiwala.
- IV. FIR No.112 dated 19.05.2011 u/s 324/353/148/149 PPC PS Dadiwala.
- V. FIR No.38 dated 05.03.2010 u/s 324/353/148/149 PPC PS Dadiwala.
- VI. FIR No.183 dated 10.09.2014 u/s 324/353/148/149 PPC/7ATA PS Dadiwala.
- VII. FIR No.46 dated 22.02.2015 u/s 15AA PS Dadiwala.
- VIII. FIR No.221 dated 25.10.2015 u/s 15AA PS Dadiwala.
- IX. FIR No.246 dated 22.11.2014 u/s 5/6 Gambling Act/15AA PS Dadiwala.
- X. FIR No.103/2015 u/s 15AA PS Dadiwala.
- XI. FIR No.208 dated 11.10.2015 u/s 324/353/148/149 PPC PS Dadiwala.
- XII. FIR No.127 dated 27.06.2013 u/s 324/435/427 PPC PS Dadiwala.
- XIII. FIR No.252/2015 u/s 15AA PS Dadiwala.
- XIV. FIR No.212 dated 30.09.2011 u/s 9CNSA PS Dadiwala.
- XV. FIR No.48 dated 17.03.2011 u/s 13AO PS Dadiwala.
- XVI. FIR No.134 dated 10.07.2014 u/s 324/353/148/149 PPC PS Dadiwala.
- XVII. FIR No.49 dated 25.02.2015 u/s 5/6 Gambling Act PS Dadiwala.
- XVIII. FIR No.45 dated 22.02.2015 u/s 3/4 Article PS Dadiwala.
- XIX. FIR No.182 dated 19.07.2016 u/s 5/6 Gambling Act PS Dadiwala.
- XX. FIR No.247 dated 23.11.2014 u/s 5/6 Gambling Act PS Dadiwala.

It is pertinent to mention that this notorious gang intended to surrender before Police. However, they colluded with the Police officials, DSP CTD Muhammad Subhan and HC CTD Muhammad Sadiq and staged the drama effecting of this fabricated recovery of weapons from the abandoned building before surrendering. This was done with the purpose that this most heinous case against them in which they had snatched Police Official weapons after killing and injuring Police officials is weakened as the weapons were shown to be recovered from abandoned place before the arrest of the Naseebo gang.

Subsequent to the registration of FIR on 20.07.2016 in PS Naurang, the following members of Naseebo gang surrendered before DPO Lakki Marwat in his office on 04.08.2016:-

- i. Naseeb S/o Nekam Khan R/o Landewa.
- ii. Qismat S/o Nekam Khan R/o Landewa.
- iii. Imran S/o Nekam Khan R/o Landewa.
- iv. Naimat S/o Nekam Khan R/o Landewa.

The enquiry revealed that the criminals handed over the official weapons to DSP CTD, Muhammad Subhan & HC CTD Muhammad Sadiq. HC Muhammad Sadiq then took and placed the said bag in Irrigation Colony after due consultation & deliberation. Muhammad Sadiq after placing the bag containing weapons in that place, called the office of DSP CTD/Lakki Marwat Muhammad Subhan as per plan, who reached to the spot within 25/30 minutes alongwith his contingent. He also disseminated the said information to SP/CTD Bannu, DSP Naurang Lakki, SHO PS Naurang & DPO Lakki Marwat.

HC Muhammad Sadiq further disclosed that the entire concocted story was prepared by DSP/CTD Lakki. He (Muhammad Sadiq DFC PS Naurang) further disclosed that he was given the task by Muhammad Subhan DSP/CTD Lakki Marwat in his office. Statement of the Muhammad Sadiq enclosed herewith is worth perusal.

From the preliminary enquiry conducted by the undersigned, it has become evident that DSP/CTD Lakki did all this for his personal gain with the active connivance and assistance of HC Muhammad Sadiq, DFU Naurang.

It is pertinent to mention here that the said DSP/CTD Lakki Marwat hails from District Karak and staged this drama with connivance of one Zarpayow Jan @ Bajjan, a notorious gambler of Takht-e-Nusrati, District Karak. Significantly, Zarpayow alias Bajjan is also an accomplice of Naseebi & his gang.

The above findings are result of examining of the Police officials who were examined during the course of enquiry and interrogation of the accused Naseebo etc who were on physical remand. They admitted and corroborated the above. In addition, discreet enquiry and analysis of the Call Data Record of Police Officials and criminals was also carried out which also substantiated and confirmed the above.

The bogus & concocted story of DSP/CTD Lakki Marwat and HC Muhammad Sadiq, DFU CTD was an attempt to weaken the case in which Police officials had offered the ultimate sacrifice in the line of duty.

It is also appropriate to add that DSP Muhammad Subhan is the same officer who played a sordid role in the infamous Uzma Ayub case of District Karak which had brought bad name to the Police Department. Furthermore, a case vide FIR No.539 dated 09.12.2011 u/s 155 Police Order 2002 PS Yaqoob Khan Shaheed (copy of FIR enclosed) has also been registered against Muhammad Subhan the then SDPO at District Karak due to his

negligence & cowardice in arresting of accused Muhammad Ibrahim S/o Jahan Shah R/o Shawoli Banda Shah Saleem Karak involved in case vide FIR No.529 dated 09.12.2011 u/s 302/109/148/149 PPC PS Yaqoob Khan Shaheed Takht-e-Nusrati Karak. Therefore, it is recommended that both the officers may please be placed under suspension and proceeded against departmentally.

Submitted for favour of kind perusal & further orders please.



(MUHAMMAD ALI KHAN) PSP
Regional Police Officer
Bannu Region, Bannu

Before the honorable Inspector General of Police KPK Peshawar

Subject: Representation/ Appeal against the order of learned DIG/Headquarters CPO Peshawar, whereby he imposed the punishment of compulsory retirement from Service vide his order no. S/6675-91/16 dt 20-10-2016

Respected Sir,

Facts:

Facts of the case are that the Petitioner was charged with allegations, to the effect that the petitioner along with DSP Muhammad Subhan colluded with the notorious Criminal gang of Peshawar involved in various offences including the murder of Police Officer and utilized the services of Zarpayo Jan alias Rajan of Dsitt: Karak a notorious gambler and runner of a gambling Den and Planned the surrender of the member of the gang. Mohammad Sadiq HC the Petitioner and Mohammad Subhan also facilitated the recovery of the weapon belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.

Muhammad Sadiq HC, the Petitioner is also reported mixed up with criminals of the area for fulfilling your ulterior motives. Being a member of disciplinary force such act on Muhammad Sadiq part is gross misconduct and are detrimental to discipline and moral of the force.

For the purpose of scrutinizing the conduct of the petitioner with reference to the above allegations, an inquiry officer/Committee consisting of the following officers of KPK Police was constituted as per, Police rules 1975 amended in 2014 Para 6 (b) Sub Para v.

1. Mr. Sher Akbar Khan RPO/Di Khan
2. Mian Naseeb Jan. EPO/Karak

The above committee conducted inquiry into matter and submitted their report to the DIG Headquarters CPO Peshawar. Consequently the DIG Headquarters imposed the punishment of compulsory retirement from service upon the petitioner (copy of order Annexed as A) and hence the present representation / appeal.

Grounds:

- (1) That the order of learned DIG/Hqr. CPO Peshawar KPK is against law, justice and facts on record.
- (2) That no Proper departmental inquiry into the matter was conducted as per rules of inquiry envisaged in Police rules 1975.
- (3) That no witness who so ever was examined during the enquiry proceeding nor the petitioner was ever associated in the proceeding, which itself is sheer violation of the rules on the subject.
- (4) That the inquiry committee did not bother to examine and unearth the real facts, which might exonerate the petitioner from all the liabilities.
- (5) That the petitioner had obeyed and complied with the order of his immediate officer (DSP Mohammad Subhan) and that non-compliance of his order would have amounted to refusal of the seniors orders.

- (6) That During the entire enquiry proceeding, the petitioner was never asked about the actual facts giving birth to the present episode.
- (7) That after few days of the occurrence, the petitioner sustained sever injuries on his person during encounter with the Criminals/ terrorist where in one die hard criminal/ terrorist namely Shafeeq, who was Head of his gang was put to death vide case FIR No.39 dt: 26-07-2016 U/S 324/353/427/34 PPC/15 AA/7ATA PS C T D Bannu region. Shafeeq was involved and wanted in the following criminal Cassese. (Copies of FIR's Annexed as Annexure B, C, D and E)
1. Case FIR 19 dt: 6-4-2016 U/S 302 /404 PPC/7 ATA PS CTD Bannu region (in this constable Khursheed Afzal Shah No.6937 FRP Bannu was martyred.
 2. Case FIR No.20 dt: 11-4-2016 U/S 302/100 B/34 PPC/7 ATA PS CTD Bannu regions. In this case constable Mashal Khan No.682 special Branch Lakki and Constable Tariq Usman No.198 of DSIB Lakki Marwat were martyred.
 3. Case FIR No.21 dt: 18-4-2016 U/S 302/34 PPC/7 ATA PS CTD Bannu region. In this case one Kiramatullah Constable No.1012 of CTD Lakki Marwat was martyred.
- (8) That no final show cause notice was served upon the petitioner, nor any copy of the finding report of the enquiry proceedings was delivered to the petitioner which inter-alia is itself sheer violation of the inquiry rules.
- (9) That no chance of personal hearing was afforded to the petitioner to explain the actual and real facts, before the inquiry committee, which is not only the violation of rules but also amounts to infringements of basic human rights.

Prayer:

In view of the above narrated scenario it is most humbly submitted that I have put in about 25 years unblemished and spotless service in police department and have always uploaded the name of Police in combating the criminals/ terrorists. I am the only source of income to support my huge family consisting of 6 members including under age children. It is therefore requested that the order of punishment of compulsory retirement from service May very graciously be set aside. It is further requested that I may kindly be given a chance of personal hearing to explain my position.

Dated 30-11-2016.

Your most obedient servant

(Sadiq Ahmad) ^{LCI COP}
Mohammad Sadiq S/O Abul Alim

Village Mughal Manji Walla Distt Lakki marwat

Cell No: 0301-8078172

Received
e/12/16

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/6675-91/16, Dated Peshawar the 20/10/2016.

ORDER

This order is passed to dispose of departmental proceedings initiated against Head Constable Muhammad Sadiq (under suspension) while posted as DFU CTD PS Naurang.

Head Constable Muhammad Sadiq presently under suspension and closed to CTD HQrs: were charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), as under:-

- i. *According to preliminary enquiry conducted by RPO/Bannu you alongwith DSP/Muhammad Subhan colluded with the notorious Criminal Gang of Naseebu involved in heinous offences including the murder of Police Officer and utilized the services of Zau payon Jan alias Bajjan of Karak District a notorious gambler and runner of gambling den and planned the surrender of the members of the gang. You and DSP/Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.*
- ii. *You are also reportedly mixed up with criminals of the area for fulfilling your ulterior motives.*
- iii. *Being a member of disciplinary force such act on your part is gross misconduct and are detrimental to discipline and moral of the force.*

For conducting probe into the allegations leveled against Head Constable Muhammad Sadiq an Enquiry Committee consisting of Mr. Sher Akbar Khan, RPO/DIKhant and Mian Naseeb Jan, DPO/Karak was constituted. The Enquiry Committee, after examining the delinquent officer Head Constable Muhammad Sadiq, the other concerned police officers of Lakki Marwat and Karak and evaluating the documents on record, has unanimously come to the considered opinion that "Head Constable Muhammad Sadiq has been found guilty of gross misconduct and abuse of authority thereby bringing a very bad name for Khyber Pakhtunkhwa police which has rendered immortal sacrifices in war against terror. The charges leveled against Head Constable have been established without any doubt. The retention of Head Constable in Khyber Pakhtunkhwa police is bound to shatter the morale of the police force".

In the light of finding of the Enquiry Committee, Head Constable Muhammad Sadiq, the then DFU CTD PS Naurang is found guilty of the charges leveled against him. Although the officer do not deserve any leniency but keeping in view his length of service, a lenient view is taken and I, Muhammad Alam Shinwari Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa being Competent Authority, hereby imposes punishment of compulsory retirement from the date of suspension.

Order announced.

(MUHAMMAD ALAM SHINWARI)
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of the above is forwarded to the:

1. All Additional Inspectors General of Police Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Bannu.
4. The DIG/Headquarters, Khyber Pakhtunkhwa, Peshawar.

33

Confidential

From: The Regional Police Officer,
Dera Ismail Khan Region

To: The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

No. 1985 /PA, Dated DI Khan the 28/09/2016

Subject: **CHARGE SHEET / STATEMENT OF ALLEGATIONS**
Memo:

Kindly refer to your office Memo: No.S/6231-32/16, dated
16.09.2016, on the subject noted above

The report of Departmental Enquiry containing 12-pages
alongwith other connected documents, conducted against DSP CTD
Muhammad Subhan and I/C CTD Sadique Ahmed is enclosed herewith for
further necessary action at your end please.

Encl: As Above



(SHER AKBAR)
PSP, S.St
Regional Police Officer,
Dera Ismail Khan Region

(35)

DEPARTMENTAL ENQUIRY AGAINST DSP CTD MUHAMMAD SUBHAN
AND HC CTD SADIQUE AHMED DISTRICT LAKKI MARWAT

- 1.1) This enquiry report will dispose of the departmental enquiry proceedings initiated against DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed. Based on the preliminary enquiry conducted by the RPO Bannu, DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed were suspended and proceeded against departmentally by the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 1.2) DSP CTD Muhammad Subhan was issued Charge Sheet, Show Cause Notice and Grounds of Action which contained the following allegations
- i) "According to preliminary enquiry conducted by RPO Bannu, you colluded with the notorious Criminal Gang of Naseeb involved in heinous offences including the murder of Police Officer and that you mala-fidely utilized the services of Zarpyiou Jan alias Bajjan of Karak District, a notorious gambler and runner of gambling den and Sadique Ahmed Head Constable for planned surrender of the members of the gang. You also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above.
 - ii) You are also reportedly mixed up with criminals of the area for fulfilling your ulterior motives. You also reportedly possess a stinking reputation and have been involved in case FIR No.539 dated 09.12.2011 Under Section 155 Police Order 2002 Police Station Yaqoob Khan Shahzad District Karak.
 - iii) Being a gazetted / supervisory officer, the above omissions and commissions on your part amounts to gross misconduct and are detrimental to discipline and moral of the force"
- 1.3) Similarly, HC CTD Sadique Ahmed was also issued Charge Sheet, Show Cause Notice and Grounds of Action which leveled the following allegations.
- i) "According to preliminary enquiry conducted by RPO/Bannu you alongwith DSP/ Muhammad Subhan colluded with the notorious Criminal Gang of Naseebo involved in heinous offences including the murder of Police Officer and utilized the services of Zarpyiou Jan alias Bajjan of Karak District a notorious gambler and runner of gambling den and planned the surrender of the members of the gang. You and DSP Muhammad Subhan also facilitated fake recovery of the weapons belonging to the gang with sole aim and motive of weakening the prosecution of criminal cases registered against the gang mentioned above
 - ii) You are also reportedly mixed up with criminals of the area for fulfilling your ulterior motives
 - iii) Being a member of disciplinary force such act on your part is gross misconduct and are detrimental to discipline and moral of the force".
- 1.4) For scrutinizing the conduct of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed, an inquiry committee comprising of the following Officers was constituted to conduct proper departmental enquiry against the aforementioned officers.
- i) Mr. Sher Akbar PSP, S.St
Regional Police Officer,
Dera Ismail Khan Region

Regional Police Officer

- (59)
- ii) Mian Naseeb Jan,
District Police Officer,
Karak

2) ENQUIRY PROCEEDINGS

2.1) DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed had been given the copies of the Charge Sheet, Show Cause Notice and Grounds of Action vide CPO Peshawar letter No.S/6231-32/16, dated 16.09.2016. Both the officers had been directed to submit their written defense and any other relevant evidence to the enquiry committee within seven days of receipt of Charge Sheet, Show Cause Notice and Grounds of Action.

2.2) DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed were examined by the enquiry committee in length. They were provided with sufficient opportunity to cross examine the other Police Officers. DPO Karak Mian Naseeb Jan paid a physical visit to irrigation colony Nar Muhammad Ghazni Khel Lakki Marwat, the place of occurrence of FIR No.438/2016 PS Naurang District Lakki Marwat, to personally examine the area.

Besides the aforementioned delinquent officers, the enquiry committee also examined the following officers:

- i) Mr. Tauheed Khan,
SP Inv: Lakki Marwat
- ii) Mr. Salah ud Din,
SP CTD Bannu
- iii) Mr. Sanaullah Khan
SP Inv: DI Khan
- iv) Mr. Murad Ali Khan,
DSP Naurang
- v) Inspector Mukhtiar Ahmed,
CTD Lakki Marwat
- vi) SI Muhammad Javed,
SHO PS Naurang, Lakki Marwat
- vii) SI Muhammad Zaheer Khar
The then SHO PS Dadiwala
(Now Police Line Lakki Marwat)
- viii) SI Asmatullah,
The Then Addl. SHO PS/Naurang,
(Now Police line Lakki Marwat)
- ix) SI Arifullah,
IO PS Naurang
- x) Muhammad Nawaz,
MHC CTD Lakki Marwat
- xi) Abdullah Akbar,
HC CTD Lakki Marwat
- xii) Constable Irfan Ullah
CTD lakki Marwat

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- xiii) Driver Constable Imran
CTD Lakki Marwat
- xiv) Constable Wahidullah.
CTD Lakki Marwat
- xv) Driver Constable Muhammad Sajjad
CTD Lakki Marwat
- xiv) Constable Minabat
CTD Lakki Marwat
- xv) Constable Mir Aslam Jan,
CTD Lakki Marwat

3) BRIEF FACTS OF THE ENQUIRY

3.1) The brief, yet relevant, facts leading to the instant enquiry are that according to the contents of FIR No.438, dated 20.07.2016, a written Murassla from Inspector Mukhtiar Ahmed CTD was sent to Officer Incharge PS Naurang to the effect that on 20.07.2016 at 1430 hours, a police contingent, led by DSP CTD Muhammad Subhan, on a tip of information, raided an abandoned buildings at irrigation colony Nar Muhammad Ghazni Khet PS Naurang District Lakki Marwat where allegedly two suspect were hiding alongwith a bag which might contain explosive materials. This information was communicated to PS Naurang as well. When the Police vehicle reached the spot, the accused, on seeing the Police party, fled towards the forest of bushes on the northern side. Since the bushes were very dense, the accused succeeded in making their escape good. In the meanwhile, Addl: SHO PS Naurang SI Asmatullah, alongwith a Police party, reached to the spot. The abandoned building was cordoned off by the Police party from all directions and as a precautionary measure opened fire. When the firing from Police was not responded by anyone, the Police party entered the building and recovered a bag from a room during the search. On opening the bag, the following arms/ ammunition and narcotics were recovered from them.

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- i) 1xKalashnikov No.48018140, Folding butt No.LM460 alongwith 01 magazine containing 6 rounds of 7.62 bore
- ii) 1xKalashnikov No.Δ56-1-26078260, Folding butt No LM95 alongwith 01 magazine containing 6 rounds of 7.62 bore
- iii) 1xKalashnikov No. 66 5648019440, Folding butt No.LM459 alongwith 01 magazine containing 7 rounds of 7.62 bore
- iv) 360 grams chars

(Copy of the Murassla of Inspector Mukhtiar Ahmed CTD Lakki Marwat is attached as Annexure-A)

The Murassla against two unidentified accused was sent to PS Naurang for registration of a criminal case against them. Consequently FIR No.438 dated 20.07.2016 U/S 15-AA 9A(CNSA) PS Naurang District Lakki Marwat was registered. The aforementioned arms ammunitions and chars were sealed in separate parcels by the CTD staff Lakki Marwat.

(Copy of the FIR No 438/2016 PS/Naurang District Lakki Marwat is attached as Annexure-B)

3.2) Soon after the registration of FIR No.438/2016 PS Naurang District Lakki Marwat, rumors started pouring in that the 03 Kalashnikovs recovered in the aforementioned case are bearing the official numbers of the weapons of District Lakki Marwat. It was further rumored that the aforementioned weapons were the

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Kalashnikovs which had been snatched by the accused Naseebo Gang in case FIR No.96 dated 27.06.2010 u/s 302/324/353/404/427/148/149 PPC PS Dadiwala District Lakki Marwat wherein a police constable namely Shehzada No 377 had been martyred and Driver constable Naseeb No.20 had sustained injuries.

(Copy of the FIR No.96/2010 PS Dadiwala District Lakki Marwat is attached as Annexure-C)

3.3) Interestingly on 04.08.2016, the following members of the Naseebo Gang surrendered to the local Police district Lakki Marwat in a preplanned and staged manner;

- i) Naseeb Khan s/o Naikam Khan r/o Landiwa District Lakki Marwat
- ii) Qismat Khan s/o Naikam Khan r/o Landiwa District Lakki Marwat
- iii) Naimat Khan s/o Naikam Khan r/o Landiwa District Lakki Marwat
- iv) Muhammad Imran s/o Naikam Khan r/o Landiwa District Lakki Marwat.

3.4) The accused were arrested in case FIR No.96/2010 PS Dadiwala District Lakki Marwat.

(Copy of the Daily Diary No.34 dated 14.08.2016 PS Dadiwala showing the arrest of the aforementioned accused is attached herewith as Annexure-D)

3.5) The Naseebo Gang has remained involved in the following cases:

- i) FIR No.96 dated 27.06.2010 u/s 302/324/353/148/149 PPC PS Dadiwala
- ii) FIR No.72 dated 06.07.2008 u/s 13AO PS Dadiwala
- iii) FIR No.113 dated 24.10.2004 u/s 13AO PS Dadiwala
- iv) FIR No. 112 dated 19.05.2011 u/s 324/353/148/149 PPC PS Dadiwala
- v) FIR No.38 dated 05.03.2010 u/s 324/353/148/149 PPC PS Dadiwala
- vi) FIR No.183 dated 10.09.2014 u/s 324/353/148/149 PPC/7ATA PS Dadiwala
- vii) FIR No.46 dated 22.02.2015 u/s 15AA PS Dadiwala
- viii) FIR No.221 dated 25.10.2015 u/s 15AA PS Dadiwala
- ix) FIR No.246 dated 22.11.2014 u/s 5/6 Gambling Act/15AA PS Dadiwala
- x) FIR No.103/2015 u/s 15AA PS Dadiwala
- xi) FIR No.208 dated 11.10.2015 u/s 324/353/148/149 PPC PS Dadiwala
- xii) FIR No.127 dated 27.06.2013 u/s 324/435/427 PPC PS Dadiwala
- xiii) FIR No.252/2015 u/s 15AA PS Dadiwala
- xiv) FIR No.212 dated 30.09.2011 u/s 9CNSA PS Dadiwala
- xv) FIR No.48 dated 17.03.2011 u/s 13AO PS Dadiwala
- xvi) FIR No.134 dated 10.07.2011 u/s 324/353/148/149 PPC PS Dadiwala
- xvii) FIR No.49 dated 25.0.2015 u/s 5/6 Gambling Act PS Dadiwala
- xviii) FIR No.45 dated 22.02.2015 u/s 3/4 Article PS Dadiwala
- xix) FIR No.182 dated 19.07.2013 u/s 5/6 Gambling Act PS Dadiwala
- xx) FIR No.247 dated 23.11.2014 u/s 5/6 Gambling Act PS Dadiwala

Since this Gang had been hiding since long and the local Police could not arrest them, therefore, their surrender to the local Police immediately after the registration of case FIR No.438/2016 raised many eyebrows. All walks of life started suspecting that the registration of case FIR No.438/2016 and the preplanned surrender of Naseebo Gang on 04.08.2016 are the two parts of the same bogus drama.

3.6) The subsequent interrogation of the members of the Naseebo Gang in case FIR No.96/2010 PS Dadiwala led to disclosing extremely important revelations. During the course of interrogation, the above cited accused disclosed that the 05 Kalashnikovs, which the DSP CTD Muhammad Subhan had allegedly recovered in case FIR No.438/2016 PS Nauyang District Lakki Marwat, were the official weapons which they had snatched from the Police party in 2010 after martyring constable Shehzada No.377 and injuring Driver Constable Naseeb No.20. They further stated that soon after the incident they gave these snatched official

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Kalashnikov to constables Abdul Qayyum No.510 and Imdadullah No.643, the gunmen of the then SDPO Naurang DSP Sanaullah for handing them over to the Police high-ups. But the same were returned back to them.

Since then they had been trying their level best to get rid of the snatched weapons by handing them over to the local Police but they couldn't succeed. They did not want to surrender themselves to the local Police alongwith these snatched weapons. They further disclosed that some 20/25 back they called HC Sadique Ahmed to their residence and asked him about their plan to get rid of the official weapons. HC CTD Sadique Ahmed told them that he would consult DSP CTD Muhammad Subhan. Later HC CTD Sadique Ahmed came to them and told them that DSP CTD Muhammad Subhan has agreed. Consequently they handed over the snatched official weapons to HC CTD Sadique Ahmed. Later on they came to know that a bogus case regarding the recovery of 03 official Kalashnikov, which they had handed over to HC CTD Sadique Ahmed, had been registered at PS Naurang

(Copy of the statements of the Naseebo Gang are attached as Annexure-E)

- 3.7) It merits a mention here that one accused Niaz Ali, who was charged in case FIR No.96/2010 PS Dadiwala was the son of Zarpiyou alias Bajjan. The contents of FIR No.96/2010 PS Dadiwala, the supplementary statements of the then SHO Sardar Nawaz recorded in case diary No.01 of FIR No.96/2010 PS Dadiwala, the statements of the accused Naseebo, Naimat, Qismat and Muhammad Imran recorded after their surrender to the local Police on 04.08.2016 and information gathered by the enquiry committee, disclose that on 27.06.2010, the accused Niaz Ali had come to the gambling den of Naseebo at Landiwa Lakki Marwat for the purpose of gambling. When he was returning back to his village at Karak, he was chased by the then SHO PS Dadiwala SI Sardar Nawaz Khan. The accused Niaz Ali immediately informed Naseebo about his by his chase by SHO Sardar Nawaz Khan. Having received the information Naseebo Gang immediately rushed to the spot. They exchanged hot words with SHO Sardar Nawaz Khan over the issue of chasing the accused Niaz Ali son of Zarpiyou Jan alias Bajjan. When Constable Shehzada No.377 resisted them, the Naseebo Gang opened fire and martyred Constable Shehzada No.377. Driver constable Naseeb No.20 was also grievously injured.

(Copy of the case diary No.01 of FIR No.96/2010 PS Dadiwala is attached as Annexure-F)

From the perusal of the above it is patently clear that the Naseebo Gang had martyred the Police constable and injured the other one as the Police party had chased Niaz Ali son of Zarpiyou alias Bajjan.

- 3.8) After the registration of case FIR No. 438/2016 PS/Naurang District Lakki Marwat the investigation of the case was entrusted to the IO SI Arifullah of PS/Naurang. The statement of SI Arifullah was recorded by the enquiry committee. He stated that he visited the crime scene on 20.07.2016. However, he did not find on the spot any empties of the rounds fired by the Police party under the command of DSP CTD Muhammad Subhan as claimed in case FIR No.438/2016 PS Naurang District Lakki Marwat. It is pertinent to mention here that a total of 119 rounds had been fired on the place of occurrence. He further stated that he was not handed over any empties by the CTD staff. On 21.07.2016 the 03 Kalashnikovs and chas allegedly recovered in case FIR No.438/2106 were handed over to him in sealed parcels. He could not see the Kalashnikov given to him in sealed parcels. However he got suspicious when he observed the word "LM" written with the identification numbers of the Kalashnikovs. According to him this LM is the district code of Lakki Marwat which has been inscribed on all official weapons on the stock of district Lakki Marwat. He stated that from the rumors buzzing around about the identification numbers of the Kalashnikovs, he started suspecting that these weapons might be the snatched official Kalashnikovs of case FIR No.96/2010 PS Dadiwala District Lakki Marwat. When Naseebo Gang

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surrendered to the local Police on 04.08.2016 his suspicion was further strengthened. On 05.08.2016, he therefore preferred an application to the Incharge District Kot Malkhana about the identification of these Kalashnikovs

(Copy of the request of IO SI Arifullah to Incharge Kot Lakki Marwat is attached as Annexure-G)

The Incharge District Kot confirmed to him that these weapons were official weapons and stood allotted to PS Dadiwala. He also preferred an application to SHO Dadiwala for provision of the particulars of the weapons snatched in case FIR No.96/2010. He further stated that SHO Dadiwala SI Zaheer Khan was not cooperating in providing the details for the reason best known to him. SHO Dadiwala returned his application with the remarks that the same may please be routed through Senior Officers. Moreover, on 10.08.2016, he preferred an application for the desealment of the sealed Kalashnikov through SP Inv: Lakki Marwat.

(Copy of the application of IO of case FIR No.438/2016 PS Naurang for desealment of parcels is attached as Annexure-H)

On this application, the court ordered the desealment of the parcels.

(Copy of the orders of the court is attached as Annexure-I)

After desealment of the parcels the Kalashnikovs were examined by the Armourer District Lakki Marwat who reported that these weapons are the official Kalashnikovs and have been issued to PS Dadiwala as per page No 190 of Stock Register.

(Copy of the report of Armourer District Lakki Marwat is attached as Annexure-J)

On 10.08.2016, the accused Naseeb, Qismat, Naimat and Muhammad Imran sons of Naikam Khan were also arrested in case FIR No 438/2016 PS Naurang District Lakki Marwat. During the course of interrogation, they disclosed that in the year 2010, they had clashed with the then SHO Sardar Nawaz Khan which had resulted in the martyrdom of constable Shehzada No 377 and injuring constable Naseeb Khan No.20. We had also snatched 03 official Kalashnikovs from the Police party. We had been planning to surrender to the local Police. Some 23/24 days before surrender, we called HC CTD Sadique Ahmed, with whom we have old acquaintance, to our village Landiwa and discussed with him the issue of getting rid of the snatched official weapons. HC CTD Sadique Ahmed told us that he would consult DSP CTD Muhammad Subhan. After 2-3 days, HC CTD Sadique Ahmed came to us and informed that he had consulted DSP CTD Muhammad Subhan who has agreed. Thus we handed over the 03 official Kalashnikovs alongwith magazines and some rounds to HC CTD Sadique Ahmed. We had colluded with HC CTD Sadique Ahmed and DSP CTD Muhammad Subhan, so that these official weapons are not recovered from our custody. We had not hand them over any chars. The chars had been planted by DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed themselves

During the course of cross examination, SI Arifullah stated that this entire drama of the recovery of Kalashnikov had been staged by DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed in collusion with the accused Naseeb and Zarpyou Jan alias Bajjan for weakening the murder case registered against Naseebo Gang vide FIR No.96/2010.

(Written statement of the IO of case FIR No.438/2016 PS Naurang SI Arifullah is attached as Annexure-K)

- 3.9) The enquiry committee examined DSP CTD Muhammad Subhan in length. He was provided the opportunity to cross examine HC CTD Sadique Ahmed, all Police Officers who accompanied him to the scene of FIR No.438/2016, the IO of FIR No.438/2016, SP CTD Bannu, SP Inv: Lakki Marwat & other concerned

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officers. He stated that the recovery of 03 Kalashnikov and narcotics of case FIR No.438/2016 PS Naurang District Lakki Marwat was made on a tip of information generated by HC CTD Sadique Ahmed. On 20.07.2016, HC CTD Sadique Ahmed of District Lakki Marwat had informed Muharrir CTD HC Muhammad Nawaz about this information. He has further stated that he had no prior information about any plan regarding the recovery of weapons. He stated that since HC Sadique Ahmed and the accused of Naseebo Gang belonged to the same area, therefore, they had connived together to deceive him into this trap. When asked about the statements of 161 CrPC of the accused Naseebo Gang recorded in case FIR No.96/2010PS Dadiwala District Lakki Marwat, wherein they had explicitly stated that they had colluded with DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed and had been given them these snatched Kalashnikovs for making their fake recovery to save them from the punishment in the above cited case, he stated that these statements are not based on facts and have no value. During the course of cross questioning, when the enquiry committee asked him that as to what is his conclusion about the story of FIR No.438/2016 PS Naurang District Lakki Marwat, he himself dubbed it as bogus and concocted one.

(Written statement of DSP CTD Muhammad Subhan is attached as Annexure-L)

- 3.10) About his relations with Zarpiyou Jan alias Bajjan, who is a notorious gambler of District Karak, he stated that he knew Bajjan since long and has been maintaining contacts with him on telephone.
- 3.11) He was also confronted with the Inspector Ghani Khan the then IO of case FIR No 539 dated 21.12.2011 u/s 155 Police Ordinance 2002 PS Yaqoob Khan Shaheed District Karak. The IO stated that DSP CTD Muhammad Subhan has been found guilty and challaned to the court. The case is pending adjudication in the court. Likewise, he was also confronted with SI Mir Shah Jahan, IO of case FIR No.545 dated 24.12.2011 u/s 380/201 PPC PS Yaqoob Khan Shaheed District Karak. DSP CTD Muhammad Subhan stated that the issue of his involvement in case FIR No 539 dated 21.12.2011 u/s 155 Police Ordinance 2002 PS Yaqoob Khan Shaheed District Karak has no connection with the instant enquiry

(Copy of the FIR No.539/2011 & FIR No 545/2011 PS Yaqoob Khan Shaheed District Karak is attached as Annexure-M)

- 3.12) The enquiry committee also examined HC CTD Sadique Ahmed No 961. He stated that on 20.07.2016 at 0845 hours, DSP CTD Muhammad Subhan met him at Manjiwala Chowk Lakki Marwat and asked him to come to his office. When he went to his office, DSP CTD Muhammad Subhan gave him a plastic bag. He stated that DSP CTD Muhammad Subhan told him that it contained arms. He was also directed by the DSP CTD that he should place it in a room at Irrigation colony Nar Muhammad Ghazni Khel District Lakki Marwat and after placing the bag at the above cited place, he should inform the Muharrir CTD on the landline number of the CTD Lakki Marwat Office. He further stated that he was directed by the DSP that he should inform the Muharrir CTD that a suspicious motorcycle having plastic bag, which might contain explosives, was coming from Bannu side to Kurram Bridge.

After placing the bag at the aforementioned place I communicated the above cited information to the Muharrir CTD Lakki Marwat. I was waiting for the Police party at a distance of one furlong from the irrigation colony. After 20/25 minutes, a Police party alongwith DSP CTD Muhammad Subhan came there and recovered the bag from one of the rooms of the above cited place. Later on I came to know that there were some arms and narcotics in that bag and a case had been lodged to this effect in PS Naurang District Lakki Marwat.

(Written statement of HC CTD Sadique Ahmed is attached as Annexure-N)

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- 3.13) It is pertinent to mention here that the accused Naseebo Gang belongs to Landiwa, Lakki Marwat and HC CTD Sadique Ahmed is also hailing from Manjiwala Lakki Marwat which is at the distance 20/25 Km from Landiwa.
- 3.14) Both DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed were confronted with each other. During the course of cross examination, HC CTD Sadiq Ahmed stated that these weapons had been given to him by DSP CTD Muhammad Subhan for placing them at abandoned building of irrigation colony, Nar Muhammad Ghazni Khel. On the other hand DSP CTD Muhammad Subhan stated that the information regarding these weapons had been generated by HC CTD Sadiq Ahmed. Thus both of them disowned the recovery of 03 snatched official Kalashnikovs from the abandoned building at irrigation colony Nar Mohammad Ghazni Khel District Lakki Marwat.

Moreover, HC CTD Sadique Ahmed stated in front of DSP CTD Muhammad Subhan that he was called to the house of Zarpiyou Jan alias Bajjan at Karak before 20.07.2016 where he met Zarpiyou Jan alias Bajjan. When asked by the enquiry committee about his frequent telephonic contact with Zarpyou Jan alias Bajjan, HC CTD Sadique Ahmed admitted that Zarpiyou Jan alias Bajjan had been contacting him. The reason, as stated by HC CTD Sadique Ahmed, was that Zarpiyou Jan alias Bajjan, was enquiring about DSP CTD Muhammad Subhan. It also merits a mention here that on 19.07.2016 the location of the cell phone of HC CTD Sadique Ahmed was at Ibrahim Khel Takht e Nasrati District Karak which is the home town of Zarpiyou Jan alias Bajjan

- 3.15) During the course of cross examination of DSP CTD Muhammad Subhan with the Police Officers, who accompanied him to the spot of FIR No.438/2016 PS Naurang District Lakki Marwat. DSP CTD Muhammad Subhan stated that after placing the cordon around the abandoned building at irrigation colony, he had ordered the Police party to open fire. However, Constables Abdullah Akbar, Meenabat, Irfan ullah, Mir Aslam and Wahid ullah stated that they had not made any firing before entering into the room. On the contrary, they were ordered by the DSP CTD to fire when the bag had already been brought out of the room.
- 3.16) The enquiry committee also examined SP CTD Bannu and Muhaimin CTD Lakki Marwat. The enquiry committee perused the case file of FIR No.438/2016 PS Naurang District Lakki Marwat and FIR No.96/2010 PS Dadiwala District Lakki Marwat.
- 3.17) The father of the shaheed constable Shehzada No.377, who had been martyred in case FIR No.96/2010 PS Dadiwala, was also examined. Likewise Constable Naseeb No.20 who had injured in the above cited case was also heard by the enquiry committee.
- 3.18) The Call Data Records (CDRs) of DSP CTD Muhammad Subhan, HC CTD Sadique Ahmed, Zarpiyou Jan alias Bajjan and accused Naseebo were minutely perused and analyzed. The conclusion derived from this analysis is discussed as under:

i) **Contacts between DSP CTD Muhammad Subhan and Zarpiyou Jan alias Bajjan**
Besides the confession of DSP CTD Muhammad Subhan to have been maintaining contact with Zarpiyou Jan alias Bajjan, the same was also verified from their CDRs. Zarpiyou alias Bajjan had been contacting from his cell No. 0348-9540414, registered in the name of Zarpiyou Jan alias Bajjan, DSP CTD Muhammad Subhan on Cell No.0333-9013609, which is registered in the name of Was ullah son of DSP CTD Muhammad Subhan.

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On 20.07.2016 at 1930 hours, Zarpiyou Jan alias Bajjan called DSP CTD Muhammad Subhan. It is worth to mention here that on 20.07.2016 the drama of fake recovery of official weapons was staged by DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed. There are 29 calls between DSP CTD Muhammad Subhan and Zarpiyou Jan alias Bajjan from 20.07.2016 to 27.08.2016

Moreover, DSP CTD Muhammad Subhan from Cell No.0346-8880901, registered in the name of Wasiullah son of DSP CTD Muhammad Subhan, had been in contact with Zarpiyou Jan alias Bajjan on Cell No.0345-9540414.

(Copy of the summary of CD R is attached as Annexure-O)

ii) Contact between HC CTD Sadique Ahmed and Zarpiyou Jan alias Bajjan.

HC CTD Sadique Ahmed and Zarpiyou Jan alias Bajjan have also remained in contact with one another before and after 20.07.2016. From 18.07.2016 to 04.08.2016, HC CTD Sadique Ahmed (Cell No.0301-8078172) remained in contact with Zarpiyou Jan alias Bajjan on Cell No.0345-9400529 which is registered in the name of Hamraz son of Zarpiyou Jan alias Bajjan. This SIM is being used by Zarpiyou Jan alias Bajjan.

(Copy of the summary/original CDR is attached as Annexure-F)

Likewise from 19.07.2016 to 05.08.2016, HC CTD Sadique Ahmed having Cell No.0346-9510399, registered in his name, has remained in contact with Zarpiyou Jan alias Bajjan on Cell No.0345-9400529 which is registered in the name of Hamraz son of Zarpiyou Jan alias Bajjan. This SIM is being currently used by Zarpiyou Jan alias Bajjan. It also merits a mention here that on 19.07.2016 the location of HC CTD Sadique Ahmed was at Ibrahim Khel Takht e Nasrati District Karak which is the home town of Zarpiyou Jan alias Bajjan. Interestingly on 20.07.2016 he alongwith DSP CTD Muhammad Subhan staged the fake recovery of the official weapons.

(Copy of the summary/original CDR is attached as Annexure-O)

iii) Contact between HC CTD Sadique Ahmed and Naseebo.

On 03.08.2016, Naseebo from Cell No.0341-9043728, registered in the name of one Shamim and currently used by the accused Naseeb, called HC CTD Sadique Ahmed on his Cell No.0301-8078172. It is pertinent to mention here that on 04.08.2016, accused Naseeb and his other accomplices surrendered to the local Police District Lakki Marwat in a preplanned manner.

(Copy of the summary/original CDR is attached as Annexure-F)

4) FINDINGS OF THE ENQUIRY COMMITTEE

4.1) From the perusal of the statements and cross examination of the delinquent Officers and other Police Officers, it is established beyond the faintest shadow of doubt that the story of recovery of the snatched official Kalashnikovs and narcotics from an abandoned building at irrigation colony Nar Muhammad Ghazni Khel, District Lakki Marwat was a bogus and fabricated drama. Since both the DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed, who are the main characters of FIR No.438/2016, have distanced and dissociated themselves from the recovery of the snatched official Kalashnikovs and have admitted during cross examination, that the story of case FIR No.438/2016 PS Naurang was a false drama, therefore, there is not an iota of doubt that the story of the recovery

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of Kalashnikovs was utterly bogus and fabricated. This plan had been adroitly doctored by DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed in criminal collusion with Naseebo Gang and Zarpiyou Jan alias Bajjan. But when their plan did not succeed both DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed started disowning it. The fabricated and bogus story of the recovery of the snatched official weapons and the subsequent preplanned surrender of the Naseebo Gang are the two parts of the same sordid drama.

- 4.2) The collusion of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed with the Naseebo Gang and Zarpiyou Jan alias Bajjan has been proved from the analysis of their Call Data Records (CDRs). This evidence is a sterling proof of their illicit collusion to stage the drama of fake recovery of the snatched official weapons and then the subsequent preplanned surrender of Naseebo Gang to the local Police.
- 4.3) The registration of case FIR No.438/2016 PS Naurang regarding the alleged successful recovery of the 03 snatched official Kalashnikovs was a green signal for the Naseebo Gang to surrender to the local Police in a preplanned manner. This preplanned surrender of the Naseebo Gang, which was at large since long was not possible without the collusion of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed with them. For this purpose DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed had already been in contact with Zarpiyou Jan alias Bajjan and Naseebo Gang.
- 4.4) The drama of FIR No.438/2016 was orchestrated by DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed with active collusion of Naseebo Gang and Zarpiyou Jan alias Bajjan. Zarpiyou Jan alias Bajjan was to pay back to Naseebo Gang the debt of gratitude which this Gang had incurred in 2010 by martyring Police Constable Shehzada No.377, when the police party had chased the motor car of Niaz Ali son of Zarpiyou Jan alias Bajjan who was returning back from the gambling den of Naseebo Gang. Niaz Ali son of Zarpiyou Jan alias Bajjan was also charged in FIR No.93/2010 PS Dadiwala District Lakki Marwat.
- 4.5) The sole motive of the drama of FIR No.438/2016 was to weaken the case FIR No.96/2010 PS Dadiwala. The only heinous case registered against the Naseebo Gang was case FIR No. 96 dated 21.06.2010 u/s 302/324/353/148/149 PPC PS Dadiwala District Lakki Marwat, wherein a Police constable had been martyred and another one grievously injured. Since the Naseebo Gang had been planning to surrender since long, therefore, they wanted that the snatched official weapons of case FIR No.96/2010 PS Dadiwala, Lakki Marwat should not be recovered from their possession. They were fearing that if the snatched official weapons of the above cited case were recovered from their possession, then they would be facing severe punishment. They, therefore, wanted to weaken the above mentioned case by arranging the fake recovery of these weapons from some other place before their surrender to Police.
- 4.6) The enquiry committee is of the considered opinion that the Naseebo Gang had handed over the official Kalashnikovs to DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed. After thorough deliberations, DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed tailored the fabricated story of the recovery of the official Kalashnikovs for ulterior motives and personal gains.
- 4.7) Besides, telephonic contacts, DSP CTD Muhammad Subhan has himself admitted that he knows Zarpiyou Jan alias Bajjan, a notorious gambler since about 20 years. DSP CTD Muhammad Subhan belongs to Karak and has served a long time in District Karak. Similarly, HC CTD Sadique Ahmed and Naseebo are belonging to District Lakki Marwat and are living in close vicinity. The relationship of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed with notorious gamblers and criminals shows their stinking reputation.

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4.8) Since there was criminal collusion and malafide intentions on the part of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed, therefore, they themselves drafted the Murassla against the two unknown accused and sealed the weapons in parcels despite the fact that the case did not fall within the mandate of CTD as no explosive material had been recovered. But as the DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed had colluded with Naseebo Gang and Zarpyou Jan alias Bajjan to effect the fake recovery of the snatched official Kalashnikovs, therefore, they themselves accomplished the task of drafting Murassla and sealing the case properties so that the official Kalashnikovs are not identified well in time.

4.9) This sordid saga of the fake recovery of the snatched official weapons and the preplanned surrender of Naseebo Gang has brought disrespect for the Police Force as the Police constabulary and the general public are thinking that the Police Force has sold out the blood of its shaheed constable for the personal gains and ulterior motives of a few officers. If the murderers of the Police constable are being extended such criminal privileges by its own officers, no Police Officer in future will volunteer to sacrifice his life in the line of duty.

4.10) The Police Officers of CTD who accompanied DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed stated before the enquiry committee that they are feeling ashamed for being a part of that team. They feel that they have betrayed the blood of one of their colleagues who was martyred by Naseebo Gang in 2010. They further stated that whenever they meet anyone in Lakki Marwat, they are being taunted for having received a hefty amount for selling out the blood of their martyred colleague.

4.11) When the enquiry committee was examining the father of Shaheed constable Shehzada No.377, tears started trickling down his white beard saying that the blood of his shaheed son is being sold by Police like the flesh of sacrificial goat.

4.12) From the perusal of FIR No.539/2011 PS Yaqoob Khan Shaheed District Karak and cross examination with the IO of the above cited case, it is established that DSP CTD Muhammad Subhan had willfully evaded the arrest of the accused which had brought a bad name for Police Force. He was proceeded against departmentally and compulsorily retired from service. He was later reinstated in service. This shows that DSP CTD Muhammad Subhan bears a stinking reputation of facilitating the criminals wanted in high profile case.
 (Copy of FIR No.539/2011 PS Yaqoob Khan Shaheed Karak is attached as Annexure-S)

(Copy of the compulsory retirement order is attached as Annexure-T)

Likewise from the perusal of FIR No 545 dated 24.12.2011 urs 380/201 PPC PS Yaqoob Khan Shaheed District Karak and available record, it is again established that DSP CTD Muhammad Subhan has the reputation of spoiling the evidence thereby weakening the cases.

(Copy of FIR No.545/2011 PS Yaqoob Khan Shaheed Karak is attached as Annexure-U)

Similarly, HC CTD Sadique Ahmed is also bearing stinking reputation for having links with the criminal elements of the area.

Regional Police Officer
Dero Karak Khan


S7


5) RECOMMENDATIONS

- 5.1) Having examined the delinquent officers DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed, the other concerned Police Officers of Lakki Marwat and Karak and evaluated the documents on record, the enquiry committee has unanimously come to the considered opinion that DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed have been found guilty of gross misconduct and abuse of authority thereby bringing a very bad name for Khyber Pakhtunkhwa Police which has rendered immortal sacrifices in war against terror. The charges leveled against DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed have been established without any doubt. The retention of DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed in Khyber Pakhtunkhwa Police is bound to shatter the morale of the Police Force.

Based on the aforementioned findings, the enquiry committee, therefore, recommends DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed for Dismissal from Service with immediate effect.

- 5.2) The initiation of criminal proceedings against the delinquent officers DSP CTD Muhammad Subhan and HC CTD Sadique Ahmed may also be examined.
- 5.3) RPO Bannu may initiate departmental proceedings against the then SHO PS Dadiwala SI Muhammad Zaheer Khan for willfully refusing to the IO of case FIR No.438/2016 PS Naurang District Lakki Marwat the provision of the particulars of the 03 Kalashnikov which had been snatched in case FIR No.96/2010 PS Dadiwala District Lakki Marwat. RPO Bannu may also proceed against the SI Arifullah, IO of case FIR No.438/2016 PS Naurang for non-professional attitude in the investigation of the case FIR No.438/2016. RPO Bannu may also scrutinize the role of SDPO Naurang and SHO Naurang for criminal silence on the factual identity of the 03 Kalashnikov which had been allegedly recovered in case FIR No.438/2016 PS Naurang District Lakki Marwat. The silence on the part of the Supervisory Officers of District Lakki Marwat on this important issue is a question mark.
- 5.4) The Addl: IG, CTD may also proceed against SP CTD Bannu for slack supervision and not being able to timely ascertain the factual position of the Kalashnikov allegedly recovered in case FIR No.438/2016 PS Naurang District Lakki Marwat. In the evening of 20.07.2016, rumors had started buzzing in the office of CTD Lakki Marwat that the Kalashnikov recovered in the above mentioned case were official weapons. Inspector Mukhtiar Ahmed CTD Lakki Marwat may also be proceeded against departmentally for drafting a false and fabricated Murassla of case FIR No.438/2016 PS Naurang District Lakki Marwat.
- 5.5) The Addl: IG Inv: may also scrutinize the role of the then SDPO Naurang DSP Sanullah, who is currently working as SP Inv DI Khan, in the light of the statements of Naseebo Gang recorded in case FIR No.96/2010 PS Dadiwala District Lakki Marwat.
- 5.6) The Addl: IG Inv: and RPO Bannu may also closely supervise the investigation of case FIR No.438/2016 PS Naurang and case FIR No.96/2010 PS Dadiwala District Lakki Marwat.


(MIAN NASEEB JAN)
District Police Officer,
Karak


(SHER AKBAR)
PSP, S.St
Regional Police Officer,
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